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by the Governor in Council
April 24th 1880

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BYE-LAWS,
RULES AND REGULATIONS

OF THE

Municipality of Colchester,

NOVA SCOTIA.

Adopted by the Municipal Council for Colchester,
January Session, 1880.

Approved by the Governor in Council,
April 15th, 1880.

TRURO, N. S. :

PRINTED BY W. B. ALLEY, BOOK AND JOB PRINTER.
1880.

1470

BYE-LAWS

OF

Municipality of Colchester.

PART I.

PROCEEDINGS OF COUNCIL.

Section.

1. The Chair shall be taken precisely at the hour named for meeting. When no hour is named, the Chair shall be taken at 10 o'clock, a. m. On the appearance of a quorum the Warden or Chairman shall call the Councillors to order, and the minutes of the preceding meeting shall then be read.

2. Before it shall be competent for any Councillor to make a motion, the Warden or Chairman shall have the privilege of bringing such matters, as he may have in charge before the Council. He shall have the same privilege at any time except when a question is actually under debate.

3. The Warden or Chairman shall preserve order and endeavor to conduct all business to a speedy and proper result. Nothing but the business before the Council shall be spoken of until the Chair is vacated.

4. The Warden or Chairman shall state every question properly presented to the Council ; and before putting it to vote shall ask—"Is the Council ready for the question?" Should no Councillor offer to speak, he shall proceed with the question, after which no member shall be permitted to speak upon it.

5. His decision on points of order shall not be debatable unless, entertaining doubts upon the subject, he invites discussion. He may speak to points of order in preference to other Councillors, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Council by any two Councillors. On such appeal no Councillor shall speak more than once.

6. When an appeal is made from his decision he shall put the question "Shall the decision of the Chair be sustained?"

7. It shall be the duty and the privilege of any Councillor to call any member to order who violates any established Regulation or Rule of Order.

8. A motion must be seconded, and afterwards repeated from the Chair, or read aloud, before it is debated. It shall be reduced to writing if any member requires it.

9. All Resolutions in reference to money shall be submitted in writing.

10. No Councillor shall speak more than twice upon any question ; and the originator of the motion shall have the general reply. The Council may give any member special leave to speak oftener.

11. While the Council is sitting, and any Councillor is speaking, no member shall be allowed to speak or whisper so as to interrupt him ; unless it be to speak to order ; or to ask the Chairman for leave to explain. Leave to explain shall only permit the explanation of an actual misunderstanding of language.

12. When any Councillor intends to speak, he must rise and respectfully address the Chair, and confine himself

to the question under debate. He must avoid personalities and unbecoming language, and sit down when he has finished. If more than one rise at a time the Chairman shall determine who was up first, and the member named by him may speak.

13. No Councillor shall remain standing while another is speaking.

14. When any Councillor speaks to order, the question of order must be decided before the subject under discussion is proceeded with.

15. When any question is called for, and a division demanded, the vote shall be taken by a show of hands.

16. When a motion is made and seconded, it must be determined by the question being put, unless it be withdrawn by the mover, or the adjournment is moved.

17. When any motion is put from the Chair, and an amendment is moved thereto, no amendment to such amendment shall be allowed.

18. An amendment to a resolution shall be put from the Chair, and decided first, and the original resolution shall not be put unless the amendment is decided in the negative.

19. On an amendment to "strike out and insert" the paragraph to be amended shall first be read as it stands; then the words proposed to be struck out and those to be inserted; and finally the paragraph as it would stand if so amended.

20. All questions and motions passed upon by the Council shall be open for reconsideration at a future meeting, provided notice of such reconsideration be given at any time up to, or immediately after the reading of the minutes at the next session.

21. When a Councillor is called to order he shall keep his seat until the point is determined.

22. If any Councillor in speaking impeach the motives of another Councillor, or treat him with personal disrespect,

or pass between him and the Chair, while he is speaking, or use unbecoming language, or wilfully violate any of the Regulations or Rules of Order, he shall be deemed guilty of a violation of order, and may be censured by the Chairman.

23. If a Councillor shall deem himself personally aggrieved by a decision of the Chair, he, seconded by any other Councillor, may appeal from such decision to the Council.

24. Any conversation by whispering or otherwise, which is calculated to disturb a Councillor while speaking, or hinder the transaction of business, shall be deemed a violation of order, and if persisted in shall receive censure.

25. Every member shall be heard in his place touching any charge brought against him, as such, or any motion by which his private interest may be affected, but shall withdraw before the Council proceed therein.

26. When any Councillor presents a petition he shall acquaint the Council with its purport, and ask leave for it to be read.

27. When any question is before the Council, the only motions in order shall be—

1st—To adjourn.

2nd—To lay on the table.

3rd—To postpone indefinitely.

4th—To postpone to a definite period.

5th—To amend ; or

6th—To refer.

28. A motion to adjourn shall always be in order except in the following cases :—

1st—When a member is in possession of the floor.

2nd—When the yeas and nays are being called.

3rd—When the members are voting.

29. The following questions shall be decided without debate.

1st—A motion to adjourn, when to adjourn simply.

2nd—A motion to reconsider.

3rd—Applications for leave to speak more than the prescribed number of times.

30. When the Council make any order or express any decision, the form of such order or decision shall be "Resolved" or "Ordered," or any other fit word so that the meaning be clear.

3. The Clerk shall notify the first Councillor named on any committee of his appointment, by furnishing him with a copy of the resolution appointing the committee.

PART II.

THE CORPORATION SEAL.

Section.

1. The Common Seal of the Corporation shall be made of suitable metal, and have engraved on it the name of the Corporation.

2. The Seal shall be kept by the Clerk.

3. All deeds or documents, to which the Corporation is a party, and for which a Seal is requisite, shall be authenticated by the Common Seal, and the Warden and Clerk shall sign the same and affixed thereto the Seal when authorized by any law, bye-law, or resolution of the Council.

4. The Warden may affix the Seal to any certificate or document at the request of any person desiring it for the purpose of authentication.

5. Any person requiring the Common Seal to be affixed to any certificate or document for the purpose of authentication, shall pay to the Clerk the following fees:

For affixing the Seal to any document to be	
used out of the Province	\$2.50
If to be used within the Province only	1.50
If to be used in the Corporation only	1.00

PART III.

COMMITTEES.

Section.

1. Standing Committees shall be appointed annually as follows :—

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|------|---|
| 1st— | Committees on Public Accounts and Finances. |
| 2nd— | “ Tenders and Public Property. |
| 3rd— | “ Licenses. |
| 4th— | “ Roads and Bridges. |
| 5th— | “ Assessment. |

2. Special or Select Committees may be appointed on motion in writing at any time.

3. The reports of all committees shall be in writing, and signed by the Chairman, when unanimous, but when there is a difference of opinion, the report shall be signed by all who concur in it ; the minority may also report their views in writing to the Council if they see fit, which report shall be signed by all concurring in it.

4. It shall be the duty of the Committee on “ Public Accounts and Finance ” to examine accounts referred to them by the Council and to report on them ; to prepare estimates and to submit proposals for the raising of money by assessments, loans, bonds or otherwise.

5. It shall be the duty of the Committee on “ Tenders and Public Property ” to examine and report on all tenders received for the performance of any public work, and they shall have supervision over the public property under the control of the Corporation.

6. It shall be the duty of the Committee on “ Licenses,” to examine into and report to the Council upon all applications and petitions for licenses.

7. It shall be the duty of the Committee on "Roads and Bridges" :—

1st—To examine all Statute Labour returns.

2nd—To receive reports from Councillors as to the condition of the roads in each and every district, and report at each semi-annual meeting as to the state of the Roads and Bridges in the County.

3rd—To prepare an estimate of the sums to be allotted to each District, having respect to the requirements of each, and the amount at the disposal of the Council.

4th—To perform such other duties as may be imposed on them by the Council.

8. The Committee on "Assessments" shall take charge of such matters relating to Assessments and Rates as may be referred to them by the Council, and hear evidence relating to any appeals and report thereon to the Council.

SUPPORT OF THE POOR.

The Overseers of Poor for the different Districts or Townships shall, at the Annual Meeting of the County Council in each year, lay before the Council a correct statement of the number and condition of the Poor in their several Districts and Townships, and of the sum required therefor.

FERRIES.

1. No person shall act as a Ferryman until he shall have received a license under the Seal of the Municipality, and signed by the Clerk ; which shall be granted on paying the sum of one dollar, exclusive of charge for Seal.

2. Each licensed Ferryman shall at all times keep a sufficient number of good, efficient and safe boats and scows,

clean and in good order, properly floored, for the conveyance of passengers, horses, carriages, teams loaded and unloaded, cattle, etc.

3. Each licensed Ferryman shall provide himself with a printed copy of the Bye-Laws, Fares and Law relating to Ferries, and shall exhibit and show the same to any passenger who may require it.

4. Prompt attention shall at all times be shown to the ferriage of passengers, who shall not be subject to any unnecessary or unreasonable detention; and no Ferry-boat shall be taken off its line under any pretence whatever.

5. In case of any vacancy occurring by the death or removal of any licensed Ferryman, such vacancy may be filled up and a new license granted by order of the Warden, subject to the approval of the Council at the next meeting.

6. The established hours of Ferriage shall be from sunrise to ten o'clock at night; but every Ferryman shall ferry passengers when required at all times of night after ten o'clock, receiving double fare therefor.

7. There shall be allowed to every licensed Ferryman within the limits of the Municipality for the following services, the following fares, and no greater:—

	Cents.
From Black Rock to Maitland and <i>vice versa</i> , every passenger,	25
Every child under 12 years, accompanied by its parents, or by an adult,	
Every horse, cow, or other animal, over one year old,	
Every calf, sheep, hog, or colt,	
Every carriage, cart, or waggon, sled or sleigh, with two horses or oxen and driver, loaded or otherwise,	
Between Little Dyke or Debert and Maitland, every passenger,	40
8. License shall be in force for one year.	

CLERK.

The salary of the Clerk shall be four hundred dollars per annum in full for all services, and he shall perform such duties as required by the Act of Incorporation and by the Council. His election shall be annual, and he shall give such security for the faithful discharge of his duties as may be required by a vote of the Council, on his appointment.

TREASURER.

The salary of the Treasurer shall be two hundred dollars per annum. His duties shall be the same as those formerly performed by the Treasurer of the County under the Sessions, and he shall give such security for the faithful performance of his duties as may be required by a vote of the Council, at the time of his appointment.

COLLECTORS OF POOR AND COUNTY RATES

Shall receive as formerly ordered by the Sessions, viz. :—
Five per cent. on all monies collected and paid, in full for all their services.

DISTRICT CLERKS.

The salary of District Clerks and Treasurers shall be severally fixed by the Councillor or Councillors of the respective Districts, and included in the estimate for the support of the Poor for such Districts.

The duties to be performed by the Clerk of the Overseers of Poor shall be the same as formerly performed by the Town Clerk, so far as consistent with the law.

COUNTY REGULATIONS.

1. The owner of any swine permitting the same to go at large in any part of the County, shall be subject to a penalty not exceeding five dollars for each offence.

2. Any owner of geese permitting the same to go at large on any of the streets or roads of the County, shall be subject to a penalty not exceeding ten cents for each goose.

3. The owner of any stud horse permitting the same to go at large, shall be subject to a fine not exceeding twenty dollars for each offence.

4. The owner of any bull permitting the same to go at large, shall be subject to a fine not exceeding ten dollars for each offence.

5. The owner of any vicious dog permitting the same to go at large, shall be subject to a fine not exceeding four dollars for each offence.

6. No person shall be allowed to set fire or burn any brush or wood in clearing land or otherwise between the first day of July and the fifteenth day of September, under a penalty of twenty dollars for each offence.

LIMITS OF TRURO JAIL.

Hereafter the Jail limits of the Jail in Truro for the County of Colchester, shall be known and defined as follows :

Beginning on the Salmon River, at or as far down as the West line of David Fulton's farm ; thence Southerly by such

line to the rear base line of the long front lots; thence Westwardly by such base line to the old Halifax Road; thence Northwardly on such road to the junction of the road leading to Lower Village; thence Northwardly to the Western line of the Truro Cemetery, and continuing by the same course West and East to include the Roman Catholic graveyard till it comes to the Marsh road; thence North or by the line of fence dividing the upper from the lower division of Marsh to the Bay; thence up stream of the Bay and Salmon River to the place of beginning,—being the bounds and limits of the Town of Truro, and being less than three miles in any direction from the Jail.